

**I**N Purfuance of an Order of the  
HOUSE of PEERS, of the First Day  
of *August*, 1746, I do appoint SAMUEL  
BILLINGSLEY to Print This Speech ;  
And do forbid any other Person to  
Print the fame.

*Hardwicke C.*



T H E  
S P E E C H

*K* Of the RIGHT HONOURABLE

*Yorke*  
PHILIP Lord HARDWICKE,

Lord High-Chancellor of *Great Britain*;

Made by HIM, As

Lord High-Steward of *Great Britain*,

U P O N  
G I V I N G J U D G M E N T  
A G A I N S T

*William* Earl of *Kilmarnock*,  
*George* Earl of *Cromertie*, and  
*Arthur* Lord *Balmerino*;

In WESTMINSTER-HALL, on *Friday* the  
First Day of *August*, 1746.

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Published by Order of the HOUSE of PEERS.

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L O N D O N:

Printed for SAMUEL BILLINGSLEY, in *Chancery-Lane*.

M. DCC. XLVI.

[ *Price Six Pence.* ]



S P E C H

THE

Of the Right Honourable

PHILIP Lord HARDWICKE,

Lord High-Chancellor of Great Britain;

Made by Him As

Lord High-Steward of Great Britain,

UPON

GIVING JUDGMENT

AGAINST

William Earl of Kintore,  
George Earl of Grenville, and  
Arthur Lord Baltimore;

In Westminster-Hall, on Friday the  
First Day of August, 1746.

Published by Order of the House of Peers.

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THE  
S P E E C H

Of the RIGHT HONOURABLE

*PHILIP* Lord *HARDWICKE*,

Lord High-Chancellor of *Great Britain*;

Made by Him, as

Lord High-Steward of *Great-Britain*.

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*William* Earl of *Kilmarnock*, *George* Earl of *Cromertie*, *Arthur* Lord *Balmerino*!

**I**N the Courſe of this Solemn Proceeding, you have already been acquainted, That you ſtand Convicted of the High Treason charged upon you, by the ſeveral Indictments, on which you have been Arraigned.

By this Conviction it is now finally determined, That your Lordſhips are Guilty of that Crime, which not only the Laws of *Great Britain*, but of all other Countries, for the wiſeſt Reaſons, adjudge to be the Higheſt.

As it gives the deepeſt Concern, to Every one of my Lords your Peers, to find Perſons of your Birth and Quality ſtained with ſo foul an Offence; ſo it muſt give them ſome Satisfaction, that All of you, in effect, have Confessed it; Two of your Lordſhips, by expreſſy Plead-

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ing Guilty upon your Arraignment ; and the Other, by openly declaring himself satisfied with the Determination of This House, upon the only Point on which his Defence was rested. Charity makes one hope, that this is an Indication of some Disposition to that Repentance, which your Guilt so loudly calls for.

You, my Lord *Balmerino*, have since moved in Arrest of Judgment ; and their Lordships were pleased to assign the Counsel you desired, to support that Motion : But, upon advising with your Counsel, you have now voluntarily at the Bar withdrawn it, as being wholly without Foundation.

To attempt to aggravate Crimes of so deep a Dye, and in themselves so incapable of Aggravation, against Persons in your unhappy Circumstances, would be a vain, as well as a most disagreeable Task. And yet the Duty of that Place, in which I have the Honour to sit, requires that I should offer some Things to your Consideration, to explain more fully the Necessity of that Justice, which is this Day to be administered, and to awaken in your Minds a due Sense of your own Condition.

IF any Rebellion can be heightened by the Circumstances attending it, it is That in which your Lordships have been engaged. A Rebellion against a KING, celebrated through the World, for his mild and gracious Government ; the whole Series of whose Reign has been distinguished by the strictest Adherence to the Laws, and the most indulgent Care of the Rights of his People ; unblemished with any single Instance of an Attempt or Design to violate either.

To overturn the Government of such a KING, you took Arms ; and, in consequence of this, to destroy the purest Religion, and subvert the best Constitution,  
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formed and established upon the justest Balance of Prerogative in the Crown, and Liberty in the Subject, for the Preservation of the Whole.

WHAT did your Lordships, who profess the Protestant Religion, and claim the Benefits of this Constitution, seek to introduce in the room of these invaluable Blessings? In RELIGION, Popery, attended with its Train of Superstitions, and inhuman Principles of Persecution; in GOVERNMENT, Despotism and Tyranny; and, to cement and support this horrid System, an abjured Pretender, deriving his Principles of Religion and Civil Policy from *Rome* and *France*.

WHEN I name *France*, I find myself obliged to remind your Lordships of one Circumstance, which it will become you to reflect upon in your most serious Moments. The Time you chose to arm against your Country, was, whilst it stood engaged in a just and necessary War against that Crown, and *Spain*; a War, to preserve its own Commerce and Independency, and its antient natural Allies. Though some of your Lordships have thought it proper, at this Bar, to disclaim that Connexion, or any Advantage from it; yet, with that ambitious and incroaching Power, you avowedly joined yourselves; by this Aid, you endeavoured to effect the dreadful Change you meditated; and, to such a Master, to enslave this Free Nation.

NOR were the other Countries of *Europe*, which have united themselves against the pernicious Views of *France*, less essentially, though more remotely, interested in the Event. From *Great Britain*, they derived their chief Assistance in this War. In Her centred their Hopes of Support: But the Contrivers of this Scheme laid the Ax to the Root of the Tree; and, by endeavouring to deliver up this Kingdom a Province to  
*France,*



*France*, strove to cut off that Resource, without which the Cause of Public Liberty must have sunk for ever.

THUS widely spread were the Calamities, which this Rebellion was formed to introduce. By calling off the Arms of *Great Britain* to her necessary Self-Defence, some Progress was made towards effectuating one Part of the intended Mischief. How far it may be retrieved, and in what Manner, is still in the Womb of Time, and in the Hands of Providence; but is it not astonishing, that Men, who call themselves *Britons* and *Protestants*, should become the Dupes and Abettors of so execrable a Design? A Design to erase the very Foundations of true Religion and Freedom, and to turn the Riches and Strength of this Kingdom, through a Course of Ages so differently employed, into Instruments of the common Slavery.

AFTER all this, to mention the Plundering and Devastation of particular Towns and Counties; the Miseries brought upon private Persons and Families; or the many Murders committed (for the Death of every loyal Subject killed in this Rebellion was a Murder); to mention these Things, though most important and moving in themselves, after the other more extensive Considerations, would make them appear of less Weight.

SOME of your Lordships, in what you have been pleased to offer for yourselves, have urged several Topics to excite Mercy and Compassion. Those, if of any Moment, are proper only for that Place, where the Seat of Mercy must be acknowledged to be fixed. But, when Arguments of Compassion have been urged in Behalf of the Guilty, let us balance those Arguments with a becoming Compassion for our Country, for those who have suffered innocently by the Miseries, which this Rebellion brought upon it, and for those who died gloriously in its Defence.

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GIVE me leave to urge this a little further. Even the Sufferings of those, who so far forgot their Allegiance, as to adhere to, or favour, this impious Cause, are in Justice to be charged only to the Account of such as fomented and supported it. They, who take Arms against a lawful Established Government, create the Necessity of all Acts requisite to be done on the Side of that Government, in order to repel and subdue them; or which, in the Nature of Things, become unavoidable in the Course of suppressing them.

UPON such a Subject, it is more difficult to stop, than to inlarge. But, whilst I am endeavouring to raise in your Minds a just Sense of the many Evils involved in your Crimes, permit me to intreat your Lordships to deal impartially with yourselves, and to consider seriously, what could be your Temptation to Commit them,

EVERY one of you enjoyed the common Benefits of that legal and mild Government, which, in Violation of the most solemn Oaths, you sought to destroy; and some of you had received particular Advantages from it. You, my Lord *Kilmarnock*, and my Lord *Cromertie*, have thought fit to appeal to your former Conduct, as a Proof of your good Principles for the Support of the Revolution, and of our present happy Establishment. With real Grief I lament that you ever deviated from those Sentiments. If, as your Lordships would have us believe, they were sincere, and proceeded from the Heart, What could possibly be your Inducement to this sudden Apostasy? Your Lordships have left that a Blank in your Apologies; and I choose rather to leave it to be fill'd up by the Constructions of others, than to supply it myself.

THUS much I am warranted to say: No glittering Prospect of Success in the Beginnings of this Rebellion could tempt you. On the one hand, those Beginnings

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were so weak and unpromising, as to be capable of seducing none but the most infected and willing Minds to join in so desperate an Enterprize. On the other hand, it was impossible even for the Party of the Rebels to be so inconsiderate or vain, as to imagine, that the Body of this free People, blest in the Enjoyment of all their Rights both Civil and Religious under His Majesty's Protection; secure in the Prospect of transmitting them safe to their Posterity, under the Protestant Succession in His Royal House (of which they see so many illustrious Branches); I say, it was impossible, that they could imagine the Body of this free People, under these Circumstances, would not rise up, as One Man, to oppose and crush so flagitious, so destructive, and so unprovoked an Attempt.

HAPPY is it for Ourselves, happy for our Posterity, that this was verified by the Event. The Rebels soon saw His Majesty's faithful Subjects, conscious both of their Duty and Interest, contending to Outdo one another in Demonstrations of their Zeal and Vigour in His Service. The Merchants, and Trading Part of this great Metropolis, one of the most useful and respectable Branches of the Community, to their lasting Honour, associated themselves, at the Risque of their private Fortunes, to support the public Credit of their Country. Men of Property, of all Ranks and Orders, crowded in with liberal Subscriptions, of their own Motion, beyond the Examples of former Times, and uncompelled by any Law; and yet in the most legal and warrantable Manner, notwithstanding what has been ignorantly and presumptuously suggested to the contrary. The Clergy, with a Zeal, becoming their holy Function, regulated by Christian Charity, instructed their Hearers by their Doctrine, and led them by their Example, in Defence of the Crown, and of our Common Liberties; of this Reformed Church, and, consequently, of the Reformation itself.



THE Rebels soon saw many of the Nobility and Gentry, from amongst the first Families, the greatest Estates, and the best Blood in the Kingdom, surrounding the Throne, soliciting to be permitted to hazard their Lives in this glorious Cause, and to be authorized, at their own Expence, to raise Forces for the Support of it.

BUT, above all, they saw both Houses of Parliament, the great Council of the Nation, the Representative Body of this People, warmed with a truly *British* Spirit, and treading in the Steps of their Ancestors, overcoming all Difficulties, and unanimously concurring in every Measure to strengthen the KING's Hands, and to maintain that Government, on which the very Being of Parliaments, and the Preservation of this limited Monarchy depend.

IF these Enemies of our Peace had formed to themselves any false Hopes of contrary Appearances, it must be owing to the highest Degree of Infatuation, that they were not soon convinced of their Mistake. Great Reason have We to offer up our Thanks to Heaven, that they have been effectually disappointed. Even your Lordships, if you will allow yourselves to weigh your own Case in the just Balance of Religion and Conscience, will find Cause to be thankful, that the Measure of your Guilt was not suffered to be filled up and enhanced by the final direful Success of it.

IF, from any unforeseen Accidents, not uncommon in Military Operations, those delusive Hopes were for some time kept alive, it seems to have been judicially designed by Providence to render the more Signal that Vengeance, which was reserved for them at the Battle of *Culloden*. How much was owing, on that memorable Day, to the Bravery and Discipline of His Majesty's Troops, to the animating Example, the intrepid Valour, and the wise Conduct of a Prince descended from Him, is so deeply engraven on the Heart of every Member of this great Assembly, that I could only repeat what their own grateful Minds have already suggested to themselves, and represented to the Throne.

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THE N was experienced how much that Courage, which Virtue, true Loyalty, and the Love of our Country inspire, is superior to the Rashness and false Fire of Rebellion, accompanied with the Terrors of Guilt.

I WILL add no more. It has been His Majesty's Justice to bring your Lordships to a legal Trial; and it has been His Wisdom to shew, that, as a small Part of his National Forces was sufficient to subdue the Rebel Army in the Field, so the ordinary Course of His Laws is strong enough to bring even their Chiefs to Justice.

WHAT remains for Me, is a very Painful, tho' a Necessary Part. It is, To pronounce that Sentence, which the Law has appointed for Crimes of this Magnitude; — a Sentence full of Horror; such as the Wisdom of our Ancestors has ordained, as One Guard about the Sacred Person of the KING, and as a Fence about this excellent Constitution, to be a Terror to Evil-doers, and a Security to them that do well.

THE Judgment of the Law is, and this High Court doth award;

“ THAT You, *William Earl of Kilmarnock,*  
 “ *George Earl of Cromertie,* and *Arthur Lord*  
 “ *Balmerino,* and every of you, Return to the  
 “ Prison of the *Tower*, from whence you came;  
 “ from thence you must be Drawn to the Place  
 “ of Execution; when you come there, you  
 “ must be Hang'd by the Neck, but not till  
 “ you are Dead; for you must be cut down  
 “ Alive; then your Bowels must be taken  
 “ out, and burnt before your Faces; then your  
 “ Heads must be sever'd from your Bodies  
 “ and your Bodies must be divided each into  
 “ Four Quarters; and these must be at the  
 “ KING's Disposal.”

And God Almighty be merciful to your  
 Souls!



